

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CARMEN INES ROSADO RAMOS
DEBTOR

ORIENTAL BANK & TRUST
MOVANT

VS.

CARMEN INES ROSADO RAMOS

ROBERTO ROMAN VALENTIN
Chapter 7 Trustee
Respondent(s)

CASE NO. **12-00327-BKT**

CHAPTER 7

Of acts against property under §362
(d)(1) "FOR CAUSE"

MOTION FOR RELIEF FROM STAY UNDER 11 § USC 362

TO THE HONORABLE COURT:

Comes now, Oriental Bank & Trust ("***Oriental***"), represented by the undersigned attorney who respectfully prays and states as follows:

1. Jurisdiction is granted by 28 U.S.C. § 1334 and by 28 U.S.C § 157, ant this is an action pursuant to 11 U.S.C. § 362(d)(1).
2. On October 15, 2008, Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code.
3. On January 23, 2012, Debtor filed the Chapter 7 Voluntary Petition.
4. Oriental is the holder in due course of the mortgages executed by Debtor and attached as **Exhibit A** secured by the Mortgage number 51 executed on April 27, 2006 before notary public Julio Francisco Fernandez Rodriguez. See Mortgage Note and Mortgage attached,

Exhibit B. As shown in the title study attached to this motion, Oriental is the holder of the first mortgage on the following property:

Horizontal Property number 5051 located in commercial lot 101, first floor of Condominium Capitol Plaza with 913.55 square feet and registered to Antonio Jose Cruz Bonilla and Carmen Ines Rosado Ramos, recorded to page 180 of book 191, San Juan, 1st recroding. **See Exhibit C.**

5. As of May 3, 2012, the total balance due by Debtors to Oriental under loan number 400009507 amounts to \$254,812.02. The Debtors have failed to comply with the payment of the Mortgage Note . See Statement of Amount Due Under Penalty of Perjury, **Exhibit D**
6. As of May 3, 2012, the total balance due by Debtors to Oriental under loan number 400008927 amounts to \$35,781.90. The Debtors have failed to comply with the payment of the Mortgage Note. See Statement of Amount Due Under Penalty of Perjury, **Exhibit E**
7. Debtors' failure to maintain the payments current with this secured creditor constitutes cause for the lifting of the stay in favor of Oriental. Said default deprive movant to have its security interest protected as provided under the Bankruptcy Code.
8. Included as **Exhibit D and E**, is movant verified statement regarding the information required by the Service Member Civil Relief Act of 2003 and a Department of Defense Manpower Data Center Military Status Report.

WHEREFORE, movant prays for an Order granting the Relief from Stay as requested.

The Proposed Notice of Motion for Relief of Stay is included with this motion.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will sent notification of such filing to debtors' attorney and to **ROBERTO ROMAN VALENTIN** Chapter 7 Trustee.

In San Juan, Puerto Rico, this 23th day of July, 2012.

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